

AMENDMENT B (IN RESPONSE TO OFFICE ACTION
DATED JULY 23, 2003)

REMARKS

Claims 1-18 are pending in this case. In the amendment hereinabove, claims 1, 2, 6, 8, 12, 15 and 18 have been amended. Based upon the following remarks, it is respectfully submitted that, in conformance with the foregoing amendment, these claims are allowable.

A. §112 Rejection

Claims 1-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. This rejection is respectfully traversed and it is submitted that these claims, in conformance with the foregoing amendment, are in conformance with 35 U.S.C. §112.

According to the Examiner, the phrase “control terminals” in claim 1 at line 9 and in claim 8 at line 10 lacks proper antecedent basis. It is respectfully submitted that proper antecedent basis does exist. The Examiner is respectfully referred to the complete phrase which reads as “between said power supply and control terminals”. When read in context, it should be readily apparent that this phrase refers to the power supply terminal and the control terminal together. In other words, this phrase of “between said power supply and control terminals” could also be written, albeit more lengthy, as “between said power supply terminal and said control terminal”.

Notwithstanding the foregoing, in the event that the Examiner still feels that this phrase should be written in the alternative form noted above, approval is hereby given for an Examiner’s amendment.

AMENDMENT B (IN RESPONSE TO OFFICE ACTION
DATED JULY 23, 2003)

B. §102 Rejection

Claims 1, 3-5, 7-11, 13, 14, 16 and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by Scoggins, U.S. Patent No. 6,469,587 ("Scoggins"). This rejection is respectfully traversed and it is submitted that these claims, in conformance with the foregoing amendment, recite subject matter which is not anticipated by and is patentable over Scoggins.

As part of the explanation provided by the Examiner concerning the rejection of these claims as being anticipated by Scoggins, the Examiner cites inductors L1 and L2 and capacitors C11 and C12 in the circuit 202 of Figure 5 of Scoggins as being a "filter circuit" upon which the present recitation of "shunt filter circuitry" reads. It is respectfully submitted that such a conclusion is based upon a misreading or misunderstanding of the circuit of Scoggins, at least in view of the presently claimed subject matter. More specifically, the inductors L1, L2 and capacitors C11, C12 cited by the Examiner neither form nor provide the function of a filter circuit per se, particularly the presently recited filter circuitry. These inductors L1, L2 and capacitors C11, C12 are part of the "tank" circuit which determines the resonant frequency of the voltage control oscillator 202. See Scoggins at col. 8, line 31, through col. 10, line 8.

Further, as can be clearly seen in Figure 5 of Scoggins (cited by the Examiner), these components L1, L2, C11, C12 do not filter the incoming control voltage Vcntrl. As seen in Figure 5, the differential control signal Vcntrl is applied across the two varactors V1, V2 via three resistors R15, R16, R17. Hence, the control signal Vcntrl is applied directly across the varactors V1, V2 without passing through or across any filter circuitry, much less the tank inductors L1, L2 or capacitors C11, C12.

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DATED JULY 23, 2003)

In contrast thereto, as is expressly recited in independent claims 1, 8 and 13, the presently recited “shunt filter circuitry” and “shunt filter means” filter the control voltage between the power supply and control terminals. Moreover, independent claims 1 and 8 expressly recite the structure such that the shunt filter circuitry is connected to and between the power supply and control terminals. (Independent claims 1 and 8 have been amended here and above to clarify the connection of the “shunt filter circuitry” with respect to the “power supply and control terminals”.) As can be clearly seen in Figure 5 of Scoggins, inductors L1 and L2 and capacitors C11 and C12, as cited by the Examiner, are not connected to and between the power supply terminal Vcc and either of the terminals associated with the differential control signal Vcntrl. Hence, inductors L1 and L2 and capacitors C11 and C12 do not filter the control voltage Vcntrl at the control terminal(s), i.e., between the power supply and control terminals.

C. Allowable Subject Matter

Claims 2, 6 and 12 were identified as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all limitations of their base claim and any intervening claims. In accordance therewith and with reference to Part A hereinabove, it submitted that base claim 1 is in conformance with 35 U.S.C. §112, and these claims have been amended to appear in independent form and to include all limitations of their base claim (claim 1) and any intervening claims (claim 7). Hence, it is submitted that these claims are allowable.

Claims 15 and 18 were objected to as being dependent upon a rejected base claim but were identified as being allowable if rewritten in independent form to include all limitations of their base claim and any intervening claims. In accordance therewith, these claims have been amended to appear in independent

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form and to include all limitations of their base claim (claim 13) and any intervening claims (claim 16). Hence, it is submitted that these claims are allowable.

D. Conclusion

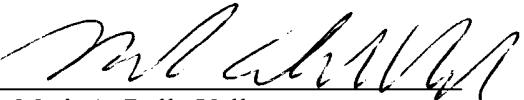
Claims 1-18 remain pending in this case. Based upon the foregoing amendment and remarks, it is respectfully submitted that these claims are allowable, and reconsideration and early allowance of these claims are requested.

Respectfully submitted,

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

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By:



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